

Ordinance No. 2021-12
Village of Salado
County of Bell
July 15, 2021

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS AMENDING THE EXISTING SUBDIVISION ORDINANCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; RESERVATION OF RIGHTS; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the Board of Aldermen of the Village of Salado seeks to provide for the orderly development of land and use of property within its corporate limits and its extraterritorial jurisdiction; and

WHEREAS, the Board of Alderman seeks to maintain the value of the Village's scenic and natural resources, which are the keystones of the Village's economic strength and quality of life, through a comprehensive regulatory program that includes a Subdivision Ordinance; and

WHEREAS, the Board of Aldermen is authorized to regulate subdivisions within its corporate limits and its extraterritorial jurisdiction by virtue of the Texas Constitution, the Village's police power, and by the Texas Local Government Code Section 212.003(a); and

WHEREAS, the Board of Aldermen retained a professional Planning Consultant to assist in the preparation of a Subdivision Ordinance for the Village and its Extraterritorial Jurisdiction; and

WHEREAS, the Board of Aldermen appointed a Steering Committee to assist in the preparation of the Subdivision Ordinance; and

WHEREAS, the Mayor and Board of Aldermen called a public meeting to consider certain aspects of the Subdivision Ordinance where public input was received; and

WHEREAS, the Board of Aldermen conducted a public hearing and, after all persons were given the opportunity to present testimony, and did consider and subsequently adopt the Subdivision Ordinance based on the testimony and recommendations of the Professional Consultant, Steering Committee, and members of the public; and

WHEREAS, the Board of Alderman called a public hearing to consider amendments to certain aspects of the Subdivision Ordinance, and did consider public input at this hearing, and has found that the proposed amendments provide for the orderly development of land and use of property within its corporate limits and its extraterritorial jurisdiction and for the public health, safety, and welfare; and

WHEREAS, the intent of this amended Subdivision Ordinance is for it to apply in the whole of the Village's corporate limits and its extraterritorial jurisdiction and remain in effect until January 1, 2022, with an option for the Board of Aldermen to extend the amendments setforth in this Ordinance if it so desires;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE VILLAGE OF SALADO, TEXAS, THAT:

This ordinance is hereby adopted as the Subdivision Ordinance, as amended, and shall read as follows:

SECTION I. ENACTMENT PROVISIONS

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The Subdivision Ordinance.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply within the Village limits and its extraterritorial jurisdiction. This Ordinance applies to conduct on public streets, public street rights-of-way, public sidewalks, and public parks.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

SECTION II. ADOPTION

Ordinance No. 2021-12 is hereby adopted as follows:

A. Rules of Interpretation

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below are given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

SECTION III. RESERVATION OF RIGHTS

All rights and remedies of the Village of Salado, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting the streets and roadways of the Village which existed at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION IV. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this

ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION V. SEVERABILITY CLAUSE

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Alderman of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION VI. REPEALER CLAUSE

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

SECTION VII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VIII. NOTICE AND MEETING CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION IX. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by § 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED AND APPROVED this, the 15th day of July, 2021, by a vote of 4 (ayes) to 1 (nays) and 0 abstentions vote of the Board of Alderman of the Village of Salado, Texas.


Michael Coggin, Mayor

ATTEST:


Cara McPartland, Village Secretary

Approved to Form:

Josh Katz, Village Attorney





SUBDIVISION ORDINANCE

Adopted
April 2, 2009

Amended
February 19, 2015
June 9, 2016
July 15, 2021

Subdivision Ordinance of the Village of Salado, Texas

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Subdivision Ordinance of the Village of Salado, Texas

“I. GENERAL PROVISIONS

Section 1.1: Authority; Extension to Extraterritorial Jurisdiction

- 1.1 a. This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 212, Texas Local Government Code, being adopted after a public hearing on the matter held on July 15, 2021.

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III. SUBDIVISION DESIGN STANDARDS

Section 3.1: Streets

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- c. Adequacy of Streets and Thoroughfares.

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4. Approach Roads and Access. All subdivisions must have at least one (1) point of vehicular access point (primarily for emergency vehicles) for every forty (40) lots within the subdivision, and must be connected via improved paved roadways to the Village's improved thoroughfare and street system by one or more approach roads of such dimensions and improved to such standards as are hereinafter set forth. Requirements for dedication of right-of-way and improvement of approach roads may be increased depending upon the size or density of the proposed development, or if such need is demonstrated by traffic impact analysis.
- (a) “Points of vehicular access” shall be construed to mean that the subdivision has improved roads accessing the subdivision from the Village’s improved thoroughfare system for each point of vehicular access that is required by this Code, and the subdivision has the requisite number of road entrances for each point of vehicular access. The Commission may, at its discretion and upon a finding that such will not compromise public safety or impede emergency access, accept a single median-divided entrance from the Village’s improved thoroughfare system provided that the median extends into the subdivision for an unbroken length of at least two hundred feet (200') to an intersecting internal street which provides at least two (2) routes to the

interior of the subdivision. For example, the entrance street is not a dead-end or cul-de-sac, and it does not create a “bottleneck” allowing only one emergency route into the interior of the subdivision. (Also see Section 3.1u.)

- p. A cul-de-sac street shall not be longer than six hundred feet (600') in a subdivision with any lots less than one-half (1/2) acre in area and shall not be longer than one thousand feet (1000') in a subdivision with all lots being one-half (1/2) acre or greater in area; and shall have a turnaround bulb generally at the mid-point and end point bulb, unless the conditions below are met. The closed end of all cul-de-sacs shall have a turnaround bulb with an outside pavement diameter of at least ninety feet (90') and a right-of-way diameter of at least one hundred and twenty feet (120'). The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac bulb. A cul-de-sac street may exceed six hundred feet (600') in a subdivision with any lots less than one-half (1/2) acre in area and one thousand feet (1000') in a subdivision with all lots being one-half (1/2) acre or greater in area, up to a maximum length of two thousand feet (2,000'), only if sidewalks are installed on both sides of the street in accordance with the standards set out in Section 3.5 of this Code, the street has a minimum width of thirty-five (35') feet, one Village-approved traffic calming measure is implemented and more than one traffic calming measure is implemented if the Village determines that site conditions require more than one measure, and a turnaround bulb, as defined in Section 1.13(v) of this Code is installed mid-block, as measured from the centerline of the intersecting street to the centerline of the cul-de-sac bulb.

Section 3.1(p) amended by Ord. 2016.14, eff. June 9, 2016

- q. The Board of Aldermen may approve waivers or suspensions for overlength streets or cul-de-sacs upon considering the following:
 - (a) Alternative designs which would reduce street or cul-de-sac length;
 - (b) The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and
 - (c) Means of mitigation, including but not limited to additional mid-block street connections, the installation of sidewalks, street width, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, temporary (or permanent) points of emergency access, mid-block turnaround bulb, and additional fire protection measures.

- u. Points of Access. All residential developments must have at least one (1) point of vehicular access point for every forty (40) lots, or portions thereof, within the subdivision, (also see Section 3.1c.4). All residential developments shall provide no less than one (1) entrance for every forty (4) lots, or portion thereof, including temporary dead-end stubbed streets that will eventually provide connections into adjacent future developments and thence to an arterial or collector street. All residential developments are required to provide two (2) temporary dead-end stubbed streets with a minimum street width of thirty-two (32') feet that will eventually provide

connections into adjacent future developments for every forty (40) lots. Driveway access onto roadways shall be provided and designed in accordance with the Village's TCSS and construction standards that are in effect at the time the construction plat application is officially submitted and deemed a complete application. *Residential driveway cuts shall not be allowed on roadways that are larger than a residential collector street (60-foot right-of-way) unless specifically approved by Board of Aldermen with the construction plat application.*

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Section 3.4: Blocks

- 3.4 a. The length, width and shapes of blocks shall be determined with due regard to:
1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 2. Zoning requirements as to lot sizes, setbacks and dimensions (if within the Village's corporate limits); and
 3. Needs for convenient access, circulation, control and safety of street traffic and for pedestrians or bicyclists traveling to a public park or school site or other facility within or close to the neighborhood.
- b. Intersecting streets, which determine the lengths and widths of blocks, shall be provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices. Where no existing subdivision or topographical constraints control, the block lengths shall not exceed one thousand two hundred feet (1,200') in length unless the conditions below are met. Where no existing subdivision or topographical constraints control, the blocks shall not be less than four hundred feet (400') in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased (through issuance of a waiver/suspension by the Board of Aldermen with plat approval) to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety. Block lengths may exceed one thousand two hundred feet (1,200'), up to a maximum length of two thousand five hundred feet (2,500'), only if sidewalks are installed on both sides of the street in accordance with the standards set out in Section 3.5 of this Code, the street has a minimum width of thirty-five (35') feet, one Village-approved traffic calming measure is implemented and more than one traffic calming measure is implemented if the Village determines that site conditions require more than one measure, and a turnaround bulb, as defined in Section 1.13(v) of this Code is installed mid-block.

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Section 3.9: Water and Wastewater Facility Design

- 3.9 a. Water supply for all new subdivisions shall be connected with the appropriate publicly certified water supply corporation, and shall be capable of providing water for health and emergency purposes, including fire protection. In the event that the water supply corporation is not capable

of providing fire flows for a subdivision, hydrants need to be marked in a fashion sufficient to indicate to any fire department that they are non-functioning hydrants that may be used to fill fire trucks with tanks, and must notify other property owners of the hydrants' capabilities either by making a descriptive plat note or through covenants and restrictions. An alternative source of water may be used for irrigation purposes only and for a nonresidential use only (e.g., a public park, a public school, etc.), subject to Village approval and provided that all appropriate permits are procured from the Village, the U.S. Army Corps of Engineers, the TCEQ, and any other applicable agency(s). Such alternative water source may not be used for potable (i.e., drinking) water supply under any circumstances. The design and construction of water system improvements and alternative water sources shall comply with the following standards: